09/458,897
Page 8 of 12

REMARKS

This response is intended as a full and complete response to the final Office Action mailed July 8, 2005. In the Office Action, the Examiner notes that claims 1-21 are pending, claims 1 and 3-21 stand rejected. The Examiner has also noted that claim 2 has been withdrawn from consideration. However, the Applicant respectfully notes that claim 2 has not been withdrawn, but rather has been cancelled. Thus, only claims 1 and 3-21 are pending. By this response, Applicant has amended claims 1 and 11.

In view of both the amendments presented above and the following discussion, Applicant submits that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicant believes that all of these claims are now in allowable form.

It is to be understood that Applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

Amendments to the claims

By this response, Applicant has amended claims 1 and 11. The amendments to the claims are fully supported by the Specification, Claims and Drawings as originally filed. For example, the amendments to the claims are supported at least by page 10, lines 3-11. Thus, no new matter has been added, and the Examiner is respectfully requested to enter the amendments.

Rejections under 35 U.S.C. §103

Claims 1, 3-6 and 11

The Examiner has rejected claims 1, 3-6 and 11 as being unpatentable over Duso et al. (U.S. Patent No. 5,892,915, hereinafter "Duso"), in view of Mann (U.S. Patent No. 5,862,312, hereinafter "Mann") in further view of Craig (U.S. Patent No. 5,790,176, hereinafter "Craig"). Applicant respectfully traverses the rejection.

Applicant's claim 1 recites (emphasis added below):

380945-1

09/458,897
Page 9 of 12

"1.   A method of distributing and sharing processing loads and
increasing fault tolerance between provider equipment and subscriber
equipment of an interactive information distribution system, comprising the
steps of:
        receiving, at a head-end, a request for video information from said
subscriber equipment;
        executing a video session from at least one of a plurality of
managing modules on a primary head-end controller at said head-end;
        dedicating, at said head-end, at least one secondary head-end
controller respectively having said at least one managing module as a
resource for executing said video session, wherein said executing said
video session comprises <u>concurrently processing session-state data of
said video session using a distributed managing module associated with
each of said primary head-end controller and said at least one secondary
head-end controller;</u>
        storing said session-state data from said executed video session
on at least one storage device; and
        streaming, from a stream server, said video information to said
requesting subscriber equipment during a normal mode of operation."

To establish *prima facie* obviousness of a claimed invention, all the claim
limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180
USPQ 580 (CCPA 1974). The Duso, Mann and Craig references, alone or in
combination, fail to teach or suggest all of the limitations recited in claim 1, and thus fail
to teach or suggest the Applicants' invention as a whole.

Specifically, the Duso, Mann and Craig references, alone or in combination, fail
to teach or suggest a method comprising at least "<u>concurrently processing session-
state data of said video session using a distributed managing module associated with
each of said primary head-end controller and said at least one secondary head-end
controller</u>".

The Duso reference discloses "a client-server protocol and interface for providing
broadcast playback functionality" (column 2, lin47-48). However, as the Examiner
acknowledges, "Duso fails to disclose wherein ... one secondary head-end controller"
(page 5 of the 7/8/05 Office Action). The "..." in the quotation of the Examiner in the
previous sentence is taken to mean "wherein said executing said video session
comprises concurrently executing session state data of said video session on at least
one distributed managing module associated with each of said primary head-end

380945-1

09/458,897
Page 10 of 12

controller and said at least one secondary head-end controller" as recited in claim 1 as amended in the previous response by the Applicant filed on 4/26/05.

The Mann reference fails to bridge the substantial gap between the Duso reference and the Applicant's invention. The Mann reference discloses a "method and apparatus [that] redundantly store data, in particular video data objects, in a distributed computer system" (abstract). In particular, the Mann reference discloses, in portions cited by the Examiner (emphasis added below):

> "In accordance with a particular embodiment of the invention, the controllers 24 of the processor systems 12 individually and collectively act to store data across the entire computer system 10 network in a redundant fashion so that if any one processor system 12 fails the remaining processor systems can nevertheless reconstruct all the data available in the entire system." (column 6, lines 37-43); and

> "Further, and importantly, because each processor is connected in a point to point two way connection to each other processor, it is possible to write all five blocks of data substantially in parallel, thus making full use of the bandwidth available to the writing controller and, at the same time, distributing substantially equally, the writing load across the entire computer system." (column 7, line 63, to column 8, line 2); and

> "Further, within each processor system itself, the processors can use a RAID-5 protocol, in its ordinary and well known sense, to store data among its plurality of disk drive devices 26 associated with that processor. Thus, there is provided the novel circumstance of employing the RAID-5 technology twice, both at the storage level as is well known, but also at the system level, which is new, to achieve a high reliability, lower cost, computer system." (column 8, lines 16-23).

Thus, the Mann reference discloses multiple controllers which individually and collectively act to store data across multiple disk drive devices. Mann also discloses that the data may be stored by processors in parallel. However, the Mann reference does not teach or suggest processing the data concurrently (or in parallel) using the multiple controllers/processors. That is, the Mann reference does not teach or suggest concurrently processing session-state data using a distributed managing module associated with both a primary and a secondary head-end controller. Instead, the Mann reference only discloses that the processors store data in parallel.

380945-1

09/458,897
Page 11 of 12

The Craig reference fails to bridge the substantial gap between the Duso and Mann references and the Applicant's invention. The Craig reference discloses a "media server [which] receives, stores and forwards multi-media data and full motion video feature presentations within a public switched telephone network" (abstract). However, the Craig reference does not teach or suggest a method comprising at least "concurrently processing session-state data of said video session using a distributed managing module associated with each of said primary head-end controller and said at least one secondary head-end controller".

Therefore, the combination of the Duso, Mann and Craig references fails to teach or suggest Applicant's invention as a whole.

As such, Applicant submits that independent claim 1 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Moreover, independent claim 11 has substantially similar limitations as those discussed above in regards to claim 1. Thus, claim 11 is also patentable under 35 U.S.C. §103. Furthermore, claims 3-6 depend, either directly or indirectly, from independent claim 1 and recite additional limitations thereof. As such, and for at least the same reasons as discussed above, Applicant submits that these dependent claims are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicant respectfully requests that the rejection of such claims under 35 U.S.C. §103(a) be withdrawn.

Claims 7-10, 12-21

The Examiner has rejected claims 7-10 and 12-21 as being unpatentable over Duso in view of Mann in further view of Craig, in further view of Beal et al. (5,155,845, hereinafter "Beal"). Applicant respectfully traverses the rejection.

Claims 7-10 and 12-21 are dependent directly or indirectly upon, respectively, independent claims 1 and 11 and recite similar limitations thereof. Claims 1 and 11 are patentable at least for the reasons discussed above. As such, Applicant submits that claims 7-10 and 12-21 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

380945-1

09/458,897
Page 12 of 12

CONCLUSION

Thus, Applicant submits that none of the claims presently in the application, are obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. or Stephen Guzzi at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: _8/31/05_

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380945-1